

Message Text

CONFIDENTIAL

PAGE 01 JAKART 09738 261100Z

46

ACTION DLOS-06

INFO OCT-01 EA-07 ISO-00 ACDA-07 AGR-05 AID-05 CEA-01

CEQ-01 CG-00 CIAE-00 CIEP-01 COME-00 DODE-00 DOTE-00

EB-07 EPA-01 ERDA-05 FEAE-00 FMC-01 TRSE-00 H-02

INR-07 INT-05 IO-13 JUSE-00 L-03 NSAE-00 NSC-05

NSF-01 OES-06 OMB-01 PA-01 PM-04 PRS-01 SP-02 SS-15

USIA-06 SAL-01 AF-08 ARA-06 EUR-12 NEA-10 /157 W

----- 016281

R 260915Z JUL 76

FM AMEMBASSY JAKARTA

TO SECSTATE WASHDC 5819

INFO AMEMBASSY MANILA

C O N F I D E N T I A L JAKARTA 9738

E.O. 11652: GDS

TAGS: PLOS, ID, RP, US

SUBJECT: MINISTER MOCHTAR ON LAW OF THE SEA ISSUES

REF: STATE 181493

1. SUMMARY. ACCORDING TO GOI JUSTICE MINISTER MOCHTAR, INDONESIA AT LOS CONFERENCE WILL PROPOSE AMENDMENTS PROVIDING FOR DISTINCTION BETWEEN NAVAL AND COMMERCIAL VESSELS IN ARCHIPELAGIC PASSAGE AND ALSO COVERING ARCHIPELAGIC OVER-FLIGHT OF CIVILIAN AIRCRAFT. END SUMMARY

2. IN MEETING WITH MINISTER MOCHTAR TODAY I HAD OPPORTUNITY TO INQUIRE ABOUT UPCOMING LOS CONFERENCE. MOCHTAR THOUGHT THAT US-GOI CONSULTATIONS JUNE 30-JULY 1 HAD BROUGHT TWO COUNTRIES MUCH CLOSER ON LOS ISSUES. HOWEVER, HE SAID THAT GOI FOR VARIOUS REASONS PLANNED TO INTRODUCE CERTAIN AMENDMENTS. AS DESCRIBED BY MOCHTAR, SOME OF THESE COULD BE TROUBLESOME TO US.

CONFIDENTIAL

CONFIDENTIAL

PAGE 02 JAKART 09738 261100Z

3. MOCHTAR SAID GOI WOULD PROPOSE DIFFERENTIATING ARCHIPELAGIC PASSAGE FOR COMMERCIAL AND NAVAL VESSELS. SPECIFICALLY, INDONESIA WOULD PUT FORTH FORMULA THAT FOR PASSAGE OF NAVAL VESSELS, "NOTIFICATION IS NOT REQUIRED, BUT IS RECOMMENDED." MOCHTAR CLAIMED THAT SCH LANGUAGE WOULD HELP GOI WIN DOMESTIC SUPPORT NEEDED FOR RATIFICATION OF LOS TREATY AND THAT IT WOULD BE UP TO FOREIGN GOVERNMENTS WHETHER THEY WISHED TO ACCEPT "RECOMMENDATION" AND PROVIDE ADVANCE NOTICE OF PASSAGE FOR THEIR NAVAL VESSELS.

4. MOCHTAR CONFIRMED HIS EARLIER STATEMENTS TO OXMAN AND ADM. MORRIS THAT INDONESIA DESIRED EXCEPT CIVILIAN AIRCRAFT FROM GENERAL RIGHT OF ARCHIPELAGIC PASSAGE. MOCHTAR CLAIMED THAT AIRCRAFT HAD BEEN INCLUDED IN DISCUSSION OF ARCHIPELAGIC PASSAGE ONLY BECAUSE OF US CONCERN ABOUT REGIME FOR STRAITS AND DESIRE TO COVER MOVEMENTS OF AIRCRAFT ACCOMPANYING NAVAL VESSELS. NOW THAT STRAITS ISSUE APPARENTLY CLOSE TO RESOLUTION, IT OUGHT TO BE POSSIBLE TO PROVIDE SEPARATE CONSIDERATION FOR CIVILIAN AIRCRAFT IN PROVISIONS DEALING WITH ARCHIPELAGOES. COMMENT: MOCHTAR'S FORMULATION RAISES WORRISOME POSSIBILITY THAT GOI MIGHT QUESTION PASSAGE OF MILITARY AIRCRAFT NOT RELATED TO NAVAL MOVEMENTS. END COMMENT.

5. ON BASELINES, MOCHTAR SAID GOI NOT SATISFIED WITH FORMULA IN ARTICLE 119 OF SNT BUT WAS FLEXIBLE IN ITS VIEWS. WHEREAS INDONESIA PREVIOUSLY HAD PROPOSED FIVE PERCENT EXCEPTION, IT WOULD NOW BE WILLING TO ACCEPT SOMETHING BETWEEN ONE AND FIVE PERCENT. AS HE HAD EARLIER INDICATED TO OXMAN AND MORRIS, MOCHTAR SAID INDONESIA OPPOSED TO CROSS REFERENCE OF STRAITS ARTICLES ON PASSAGE THROUGH MUTATIS MUTANDIS FORMULA OF ARTICLE 126 OF SNT.

6. MOCHTAR SAID HE HOPED US WOULD BE UNDERSTANDING ABOUT NEED FOR CERTAIN AMOUNT OF TACTICAL MAEUVERING BY GOI AT LOS CONFERENCE IN ORDER FOR INDONESIA TO KEEP IN GOOD GRACES OF OTHER THIRD WORLD COUNTRIES. THUS, JOINT US-GOI AMENDMENTS WOULD BE OUT OF THE QUESTION, THOUGH TRIPARTITE INITIATIVE INVOLVING US, USSR, AND GOI MIGHT BE FEASIBLE AND EVEN ADVANTAGEOUS.

CONFIDENTIAL

CONFIDENTIAL

PAGE 03 JAKART 09738 261100Z

7. MOCHTAR SAID THAT DURING RECENT TRIP TO MANILA HE HAD BRIEFED FILIPINOS ON HIS CONSULTATIONS WITH OXMAN AND MORRIS. HOWEVER, FILIPINOS, WHOM HE DESCRIBED AS BEING ON "NATIONALISTIC BINGE" AS REGARDS US, REMAINED ADAMANT IN HOLDING TO THEIR POSITION. MOCHTAR SAID HE EXPLAINED TO FILIPINOS THAT BECAUSE OF DIFFERING GEOGRAPHIC SITUATION AND CIRCUMSTANCES, INDONESIA WOULD HAVE TO GO ON WITHOUT FILIPINOS. MOCHTAR SAID HE THOUGHT FILIPINOS UNDERSTOOD AND ACCEPTED THIS. HE ADDED

PERSONAL COMMENT THAT HE THOUGHT PHILIPPINES NOW LARGELY
IRRELEVANT TO SETTLEMENT OF ARCHIPELAGIC QUESTION.

8. ON OVERALL PROSPECTS FOR LAW OF SEA CONFERENCE, MOCHTAR
SAID HE OPTIMISTIC AGREEMENT COULD BE REACHED ON COMMITTEE TWO
ISSUES BUT SAW LITTLE HOPE FOR COMMITTEE ONE. IN HIS VIEW
EVEN TWO MORE SESSIONS OF CONFERENCE WOULD NOT BE ENOUGH
TO RESOLVE COMMITTEE ONE ISSUES.

9. MOCHTAR SAID HE SAID HE WOULD BE LEAVING FOR NEW YORK JULY 29
TO ATTEND CONFERENCE AND EXPECTED BE BACK IN JAKARTA
AUGUST 15 (PRESUMABLY TO BE PRESENT FOR INDONESIAN INDEPENDENCE
DAY CELEBRATION). HE DID NOT INQUIRE ABOUT POSSIBLE MEETING
WITH SECRETARY KISSINGER. BUT SAID HE WOULD BE GLAD TO
MEET WITH US DEL.
NEWSOM

CONFIDENTIAL

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: LAW OF THE SEA, FOREIGN POLICY POSITION, MEETINGS, AMENDMENTS
Control Number: n/a
Copy: SINGLE
Draft Date: 26 JUL 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: ElyME
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976JAKART09738
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D760286-0822
From: JAKARTA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t19760722/aaaaatgx.tel
Line Count: 131
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION DLOS
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 76 STATE 181493
Review Action: RELEASED, APPROVED
Review Authority: ElyME
Review Comment: n/a
Review Content Flags:
Review Date: 31 OCT 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <31 OCT 2003 by GarlanWA>; APPROVED <22 SEP 2004 by ElyME>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: MINISTER MOCHTAR ON LAW OF THE SEA ISSUES
TAGS: PLOS, OCON, ID, RP, US, (MOCHTAR KUSUMAATMADJA)
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006